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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,266	09/10/2003	Yutaka Egawa	117124	4007
25944	7590	09/21/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER MENDOZA, JUNIOR O	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/658,266

Applicant(s)

EGAWA ET AL.

Examiner

Junior O. Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/25/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9 –11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claims 9 - 11 claim a “computer program product” which is effectively a computer program, thus is non-statutory.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4 and 6 - 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Goode et al. (Patent No 6,166,730). Hereinafter referenced as Goode.

Regarding **claim 1**, Goode discloses a server (102) that provides information in response to a request from the user through the session manager, column 3 lines 27-30 also exhibited on fig 1, which reads on “a distribution server configured to distribute content including video data to a browse client”. Goode discloses a set top terminal (118) capable of receiving information from an information server, column 20 lines 8-12 also exhibited on fig 1; moreover, Goode discloses a display device (122) such as a

television, video monitor or the likes, which displays information such as video, column 4 lines 28-31 also exhibited on fig 1 which reads on "a browse client configured to receive the distributed content and to play back the video data included in the content onto a display screen thereof". Goode discloses a network manager (114) that manages the system assets and ensures synchronization of all system components, column 4 lines 33-40 also exhibited on fig 1, where the network manager (114) interacts with the video session manager (106) and the information server (102); moreover, Goode discloses that the network management system sends the open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on "wherein the distribution server comprises a manage unit configured to manage an extent information that indicates an extent of browsing the content for each user receiving distribution of the content through the browse client".

Regarding **claim 3**, Goode discloses a server (102) that provides information in response to a request from the user through the session manager, column 3 lines 27-30 also exhibited on fig 1, which reads on "a distribution server configured to distribute content including video data to a browse client". Goode discloses a set top terminal (118) capable of receiving information from an information server, column 20 lines 8-12 also exhibited on fig 1; moreover, Goode discloses a display device (122) such as a television, video monitor or the likes, which displays information such as video, column 4 lines 28-31 also exhibited on fig 1 which reads on "a browse client configured to receive the distributed content and to play back the video data included in the content

onto a display screen thereof". Moreover, Goode discloses a task (810) where the session control manager (220) starts and stops a count down of an accumulator associated with the view timer (624) and the information stream position (625); furthermore, Goode discloses that at step 825 the session control manager (220) updates the open session in memory, column 15 lines 55-67 and column 16 lines 1-26 also exhibited on fig 8, which reads on "a counting unit configured to count an extent to which a user has played back the video data and to update extent information indicating the extent counted". Moreover, Goode discloses that the subscriber equipment (124) communicates via a reverse (or back) channel to the video session manager (106) though the cable transport network (110) and the reverse channel path (109), column 3 lines 54-57; moreover, Goode discloses that the network management system sends the open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on "and a transmitting unit configured to transmit the extent information to the distribution server". Goode discloses a network manager (114) that manages the system assets and ensures synchronization of all system components, column 4 lines 33-40 also exhibited on fig 1, where the network manager (114) interacts with the video session manager (106) and the information server (102); moreover, Goode discloses that the network management system sends the open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on "wherein the distribution server comprises a manage unit configured to manage an extent information transmitted from the browse client in association with the content and the user".

Regarding **claim 4**, Goode discloses everything claimed as applied above (See claim 3). In addition, claim 4 is a combination of claims 6, 7 and 8. Therefore, claim 4 stands rejected for the same reasons as stated above (see claims 6, 7 and 8) since it is inherent to the apparatus claimed in claims 6, 7 and 8, respectively.

Regarding **claim 6**, Goode discloses a set top terminal (118) capable of receiving information from an information server, column 20 lines 8-12 also exhibited on fig 1, which reads on "a receiving unit configured to receive a content including video data distributed from a distribution server". Moreover, Goode discloses a display device (122) such as a television, video monitor or the likes, which displays information such as video, column 4 lines 28-31 also exhibited on fig 1, which reads on "a display screen configured to display and play back the video data included in the content". Moreover, Goode discloses a task (810) where the session control manager (220) starts and stops a count down of an accumulator associated with the view timer (624) and the information stream position (625); furthermore, Goode discloses that at step 825 the session control manager (220) updates the open session in memory, column 15 lines 55-67 and column 16 lines 1-26 also exhibited on fig 8, which reads on "a counting unit configured to count an extent to which a user has played back the video data and to update extent information indicating the extent counted". Moreover, Goode discloses that the subscriber equipment (124) communicates via a reverse (or back) channel to the video session manager (106) through the cable transport network (110) and the

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reverse channel path (109), column 3 lines 54-57; moreover, Goode discloses that the network management system sends the open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on "and a transmitting unit configured to transmit the extent information to the distribution server".

Regarding **claim 7**, Goode discloses a set top terminal (118) capable of receiving information from an information server, column 20 lines 8-12 also exhibited on fig 1, which reads on "a receiving unit configured to receive a content including video data distributed from a distribution server". Moreover, Goode discloses a display device (122) such as a television, video monitor or the likes, which displays information such as video, column 4 lines 28-31 also exhibited on fig 1, which reads on "a display screen configured to display and play back the video data included in the content". Moreover, Goode discloses a task (810) where the session control manager (220) starts and stops a count down of an accumulator associated with the view timer (624) and the information stream position (625); furthermore, Goode discloses that at step 825 the session control manager (220) updates the open session in memory, column 15 lines 55-67 and column 16 lines 1-26 also exhibited on fig 8, which reads on "a counting unit configured to count an extent to which a user has played back the video data and to update extent information indicating the extent counted". Goode discloses a session table (620) and a display control unit table (630) which includes information associated with a particular open session, including a position indicator (625) that indicates the

position to which the user has watched, column 14 lines 38-54 also exhibited on fig 6, which reads on "a display control unit configured to determine whether the content is incompletely browsed by the user or not based on the extent information". Moreover, Goode discloses that at any time during the presentation of the requested information the subscriber may request special functions to be performed, moreover the subscriber may leave the system and return to watch the program from the location where the subscriber interrupted the program, where each of these functions is accomplished by manipulating a remote control, column 5 lines 31-39 also exhibited on fig 10, where it is inherent that the remote control used to accomplish the function must select a button in the display unit to select such function, which reads on "and to display onto the display screen a midstream playback button for playing back the video data starting at the previous stop position for the content in a case where the content is incompletely browsed by the user".

Regarding **claim 8**, Goode discloses a server (102) that provides information in response to a request from the user through the session manager, column 3 lines 27-30 also exhibited on fig 1, which reads on "a distribution unit configured to distribute content including video data to a browse client". Moreover, Goode discloses that the subscriber equipment (124), primarily the set top terminal (118), communicates with the video session manager (106) via a reverse or back channel through the cable transport network (110) and the reverse channel path (109), column 3 lines 47-57 also exhibited on fig 1, moreover, Goode discloses that the network management system sends the

open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on "a receiving unit configured to receive extent information that indicates an extent of browsing the content for each user receiving distribution of the content through the browse client, from the browse client". Goode discloses a network manager (114) that manages the system assets and ensures synchronization of all system components, column 4 lines 33-40 also exhibited on fig 1, where the network manager (114) interacts with the video session manager (106) and the information server (102), which reads on "and a manage unit configured to manage the extent information transmitted from the browse client in association with the content and the user".

Regarding **claim 9**, Goode discloses everything claimed. In addition, claim 9 is a variation of claim 6. Therefore, claim 9 stands rejected for the same reasons as stated above (see claim 6) since the claim limitations are the same as the apparatus claimed in claim 6.

Regarding **claim 10**, Goode discloses everything claimed. In addition, claim 10 is a variation of claim 7. Therefore, claim 10 stands rejected for the same reasons as stated above (see claim 7) since the claim limitations are the same as the apparatus claimed in claim 7.

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Regarding **claim 11**, Goode discloses everything claimed. In addition, claim 11 is a variation of claim 8. Therefore, claim 11 stands rejected for the same reasons as stated above (see claim 8) since the claim limitations are the same as the apparatus claimed in claim 8.

Regarding **claim 12**, Goode discloses everything claimed. In addition, claim 12 is a combination of claims 6, 7 and 8. Therefore, claim 12 stands rejected for the same reasons as stated above (see claims 6, 7 and 8) since it is inherent to the apparatus claimed in claims 6, 7 and 8, respectively.

Regarding **claim 13**, Goode discloses everything claimed. In addition, claim 13 is a combination of claims 6 and 7. Therefore, claim 13 stands rejected for the same reasons as stated above (see claims 6 and 7) since it is inherent to the apparatus claimed in claims 6 and 7, respectively.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode in view of Sherr et al (Pub No US 2002/0032905). Hereinafter referenced as Sherr.

Regarding **claim 2**, Goode discloses everything claimed as applied above (See claim 1), in addition, Goode discloses a cable transport system (110) which transmits information back and forth between the set top terminal (118) and the video manager (106) via paths 107, 108 and 109, as exhibited on fig 1, where session table 620 is constantly updated as shown on fig 6 column 16 lines 1-8, which reads on "wherein the distribution server comprises a transmit unit configured to transmit the extent information to the management client for providing management information". However, Goode fails to disclose that the management client comprises: a register unit configured to register a user for browsing the content with the browse client; and a E-mail unit configured to create and send an E-mail to each user. However, the examiner maintains that it was well known in the art to provide a management client that comprises: a register unit configured to register a user for browsing the content with the browse client; and a E-mail unit configured to create and send an E-mail to each user, as taught by Sherr.

In a similar field of endeavor Sherr discloses an online digital video signal transfer apparatus and method. In addition, Sherr discloses a home page (200) where a user can register, which provides access to the services of the main website, paragraph [0073] also exhibited on fig 4, which reads on "wherein the management client comprises: a register unit configured to register a user for browsing the content

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with the browse client". Moreover, Sherr discloses a newsletter that may be sent to the email of all the register users, paragraph [0079], which reads on "an E-mail unit configured to create and send an E-mail to each user".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goode by specifically providing a management client that comprises: a register unit configured to register a user for browsing the content with the browse client; and a E-mail unit configured to create and send an E-mail to each user, as taught by Sherr, for the purpose of keeping track and a profile of the users that access the distribution server through the browse client, which will also provide a way to communicate with them, paragraph [0065].

Regarding **claim 5**, Goode and Sherr disclose everything claimed as applied above (See claim 3). In addition, claim 5 is a variation of claim 2. Therefore, claim 5 stands rejected for the same reasons as stated above (see claim 2) since the claim limitations are the same as the apparatus claimed in claim 2.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

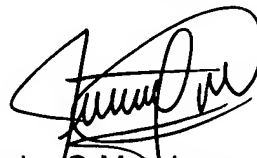
- Beams et al (Pub No US 2002/0138590) – System method and article of manufacture for creating a virtual university experience
- Matsuura et al (Pub No US 2006/0015902) – Viewing history recording method and viewing history use method

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junior O. Mendoza whose telephone number is 571-270-3573. The examiner can normally be reached on Monday - Thursday 8am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Junior O Mendoza
Examiner
Art Unit 2609

JM

September 17, 2007



RYAN YANG
PRIMARY EXAMINER